REMARKS

Claims 5-11 are active and are drawn to the elected subject matter.

Support is found in Claims 1-4 and the specification as originally filed, see page 8, page 11, last para. to page 12, 2 para.; and page 30, last para.

No new matter is added.

The objection to claim 4 and the rejections under 35 USC 101 and 112, second paragraph are no longer applicable as Claims 1-4 have been cancelled. The pending claims have method steps and are clear in their phrasing. Withdrawal of both rejections is requested.

Further, as Claims 1-4 have been cancelled and the claims define the APP-binding receptor to anti-APP-antibodies the rejections under 35 USC 112, first paragraph (enablement; written description) are no longer applicable.

The rejections under 35 USC 102(e) citing to Frangione's PCT WO2004/056318 and the corresponding U.S. PG PUB, 2007/0010435 are no longer applicable as Claims 1-4 have been cancelled. To the extent the Office may apply these rejections to the pending claims, the rejection is traversed.

Frangione et al. has a filing date of 18 December 2003.

This filing date is after the claimed priority date of the present application. That is, the present application was filed as a 371 of PCT/AT04/00311 filed on September 13, 2004 claiming the benefit of AT A 1444/2003 filed 12 September 2003. The priority for the subject matter of the pending claims is supported in that filing of A 1444/2003 on 12 September 2003 (e.g. page 4, last para.; page 6, page 8, last para; bridging para pages 9/10; of the priority document).

Although Frangione et al. claims priority to a U.S. provisional filed on 19 December 2002, Frangione et al. does not deserve the benefit for this date for the purposes of application under 35 USC 102(e) because Frangione's provisional does not describe an apheresis device/treatment wherein anti-APP-antibodies are on the carrier. This subject matter was included in the PCT text only. In fact, the US provisional is absolutely silent with respect to anti-APP-antibodies as a possible means for eliminating Abeta molecules from blood or plasma.

For the Office's immediate reference a copy of the Frangione provisional 60/434,736 downloaded from the PTO's database is attached.

In this regard, Frangione's provisional refers to the unsuccessful vaccination approach with Abetal-42 (page 3, lines 23 to 27; which leads to antibodies of the type used in new claim 4 of the present invention). Although Frangione et al. added anti-Abeta-antibodies in the PCT text, the US provisional did not mention these antibodies as a possible embodiment; the document as a whole teaches more against any approach using antibodies and instead teaches Abeta binding compounds (which are also referred to as amyloid binding substances), such as Serum Amyloid P, alpha-1-antichymotrypsin, Apolipoprotein E, E4, E3, E2, J, Vitronectin, Vimentin, GM1, GM2, GM3, GD1a, GD1b, GT1b,...".

Frangione only refers to compounds associated with Abeta meaning mainly (naturally) occurring amyloid binding substances.

Reconsideration and withdrawal of the rejections citing Frangione is requested.

To the provisional rejection citing copending application 11/571,970, in accordance with MPEP § 822.01:

> If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Such action is requested here.

Allowance of the claims is requested.

Respectfully submitted,

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